



General Assembly

Substitute Bill No. 5185

January Session, 2009

* _____ HB05185LABGAE031109 _____ *

**AN ACT CONCERNING STATE AGENCY PERMISSIVE IN-STATE
CONTRACTING PREFERENCES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4e-48 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) For the purposes of this section, "nonresident bidder" means a
4 business that is not a resident of the state that submits a bid in
5 response to an invitation to bid by a state contracting agency, "resident
6 bidder" means a business that submits a bid in response to an
7 invitation to bid by a state contracting agency and that has paid
8 unemployment taxes or income taxes in this state during the twelve
9 calendar months immediately preceding submission of such bid, has a
10 business address in the state and has affirmatively claimed such status
11 in the bid submission, "contract" means "contract" as defined in section
12 4e-1 and "state contracting agency" means "state contracting agency",
13 as defined in section 4e-1.

14 (b) Notwithstanding any provision of law, in the award of a
15 contract, after the original bids have been received and an original
16 lowest responsible qualified bid is identified, a state contracting
17 agency shall add a per cent increase to the original bid of a nonresident
18 bidder equal to the per cent, if any, of the preference given to such
19 nonresident bidder in the state in which such nonresident bidder

20 resides. If, after application of such per cent increase, the bidder that
 21 submits the lowest responsible qualified bid is a resident bidder, the
 22 state contracting agency shall award such contract to such resident
 23 bidder provided such resident bidder agrees, in writing, to meet the
 24 original lowest responsible qualified bid. Any such agreement by such
 25 resident bidder to meet the original lowest responsible qualified bid
 26 shall be made not later than seventy-two hours after such resident
 27 bidder receives notice from such state contracting agency that such
 28 resident bidder may be awarded such contract if such resident bidder
 29 agrees to meet the original lowest responsible qualified bid.

30 (c) Notwithstanding any provision of the general statutes, in the
 31 award of a contract, a state contracting agency may adjust each
 32 bidder's bid to deduct the amount of state income taxes that will be
 33 paid during the term of the contract by such bidder's employees who
 34 are employed directly on the bid project. The calculation of such
 35 deduction shall be equal to the sum of deductions for each employee
 36 assigned to the project, calculated using the following formula: The
 37 applicable state income tax rate multiplied by the listed salary of the
 38 employee multiplied by the proportion of the employee's time
 39 assigned to the project.

40 [(c)] (d) Not later than January 1, 2009, and each January thereafter,
 41 the State Contracting Standards Board shall publish a list of states that
 42 give preference to in-state bidders with the per cent increase applied in
 43 each state. Such list shall be made available to all state contracting
 44 agencies and may be relied upon by such agencies in determining the
 45 lowest responsible bidder.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	4e-48

LAB *Joint Favorable Subst. C/R*

GAE